

HR Weekly Podcast

January 23, 2008

Today is January 23, 2008, and welcome to the HR Weekly Podcast from the State Office of Human Resources. This week's topic concerns drug and alcohol use in the workplace.

Disciplining employees is one of the most difficult human resources issues in the workplace. Among the most difficult, and unfortunately most common, issues for employers to handle are drug and alcohol use.

A supervisor may have reasons to suspect that an employee is using drugs or alcohol while in the workplace, or under the influence or in the possession of drugs or alcohol while at work, or even selling drugs on the premises. While the Americans with Disabilities Act protects individuals who currently are abusing alcohol, individuals who currently are engaging in unlawful drugs are not covered by that Act.

Employers may prohibit employees from being under the influence of or using alcohol while at work. In addition, an employer may discipline or discharge an individual whose current alcohol use adversely affects his job performance. Employers can require those individuals who abuse or are dependent on alcohol to maintain the same performance standards as all other employees.

It is important to note that Section 8-11-110 of the South Carolina Code of Laws provides additional protection to South Carolina employees and provides helpful insight to handling employees with alcohol problems.

To assist in dealing with a drug or alcohol problem in the workplace, employers should establish strong rules or policies prohibiting the undesired conduct. Before taking any action, the supervisor should have a reasonable basis for suspecting drug- or alcohol-related conduct. An employer who suspects drug or alcohol use should document the conduct or behavior of the employee that confirm the suspicions. If there is reasonable suspicion, the supervisor should confront the employee, and ask him about the suspicion. The supervisor should document the employee's responses, paying attention to his initial reactions, tone of voice, manner of speaking such as slurred words, physical coordination, and any alcohol smell on his breath. The supervisor should also question any witnesses to the suspicious behavior and document their responses. The employer may also need to consider asking the employee to consent to a search of his locker, office, desk, or other work area and confiscate any drugs or alcohol. In addition, the employer may, if necessary, ask the employee to submit to drug or alcohol testing.

Employers who suspect drug or alcohol abuse in the workplace should proceed with caution. They need to consider the rights of the suspected employee as well as the safety of the workplace. Employers may want to seek legal advice as they attempt to handle these difficult situations.

If you have general questions about handling alcohol or drug use issues in the workplace, please contact your consultant at 737-0900.

Thank you.